

REMARKS

Applicant confirms the election of claims 1-57 (Group I), which are directed to touch fastener components. This election is made without traverse. Withdrawn claims 58-61 (Group II) are cancelled herewith, along with claims 6, 7, 17-20, 28, 29, 32-34, 39, 43-45, 51 and 53-55. In addition, claims 1 and 24 have been amended to include the limitations of claim 7 and 29, respectively. No new matter has been added.

The disclosure has been objected to because "the in" at page 8, line 19 should be "in the"; element "256" at page 9, line 27 should be element "254"; the underlined blank space at page 11, line 8 should be replaced by 10/688,320; and the underlined blank space at page 14, line 14 should be replaced by 10/688,301. The Specification has been amended, as requested by the Examiner. In addition, Applicant has corrected the obvious errors in the Specification at page 2, line 27; page 3, line 17; page 3, line 20; and at page 3, line 23.

Claims 1-3, 5, 7-16, 24, 25, 27, 29-31, 46-48, 50, 52, 56, and 57 have been rejected as being anticipated by Ausen, U.S. Patent Application Publication No. 2004/0068848 ("Ausen"). Of the rejected claims, claims 1, 24 and 46 are in independent form. Applicant respectfully requests reconsideration for the following reasons.

Generally, the Applicant's disclosure provides touch fastener components having particularly good peel resistance and other performance characteristics, especially when mated with loop materials having open structures, such as those loop materials having a relatively low pile height to filament diameter ratio. In particular, the large proportion of the fastener heads and crooks, with respect to the overall size of the hooks, can enable closures that provide performance characteristics more typical of woven hook products, but at a much lower overall profile. Often, a lower profile closure is advantageous because such a closure is less cumbersome with respect to the article to which it is attached, and less likely to interfere with the aesthetic appearance of the article. Thus, maximizing head height to overall fastener height (J/A), while at the same time maximizing crook height to entrance height (C/E) enables strong, short fastener elements that are, e.g., capable of capturing and strongly retaining loops from loop materials having open structures. Maximizing fastener bulk aspect, i.e., fastener footprint to overall fastener height (LK/A) also generally enables strong, short fastener elements.

As amended, claim 1 requires that each touch fastener element have a head having an overall height that is greater than 55 percent of an overall height of the fastener element ($J/A > 0.55$), and a ratio of an overall height of the crook to an entrance height that is greater than 0.6 ($C/E > 0.6$).

As amended, claim 24 requires that each touch fastener element have two heads, at least one of which having an overall height that is greater than half of an overall height of the fastener element ($J/A > 0.5$), and a ratio of an overall height of each crook to an entrance height that is greater than 0.6 ($C/E > 0.6$).

Claim 46 requires that each touch fastener element have a ratio of an overall height of the crook to an entrance height that is greater than 0.6 ($C/E > 0.6$).

Ausen describes a method (Fig. 1) of making discrete, spaced apart hooks by profile extruding hook-shaped rails (Fig. 2), cutting the hook-shaped rails (Fig. 3), and then stretching the cut rails to increase separation (Fig. 4).

The Examiner asserts that Ausen discloses a touch fastener element having a ratio of an overall height of the crook to an entrance height that is greater than 0.6 ($C/E > 0.6$), pointing to Figs. 6A-7B to support the assertion (page 5 of the Office Action). However, Applicant asserts that Figs. 6A-7B do not support such a contention, nor is there any written disclosure to support the Examiner's viewpoint. Perhaps the Examiner has come to such a conclusion by scaling the drawings. Applicant notes that a rejection based on relative measurements taken from the figures is improper absent some indication that the drawings are to scale (see, e.g., MPEP §2125 and *Hockerson-Halberstadt v. Avia Group*, 222 F.3d 951). Therefore, claim 1 and all claims that depend therefrom are novel over Ausen for at least the reason that Ausen does not disclose or even suggest such a fastener element. Likewise, claims 24 and 46, and all claims that depend from each of these claims are novel over Ausen for at least this reason.

Claims 4, 6, 16-23, 26, 28, 32-34, 49, 51, and 53-55 have been rejected as being obvious over Ausen. Claims 4, 6 and 16-23 each depend from claim 1; claims 26, 28 and 32-34 each depend from claim 24; and claims 49, 51 and 53-55 each depend from claim 46. Applicant respectfully requests reconsideration for the following reasons.

Ausen does not suggest touch fastener elements having a head having an overall height that is greater than 55 percent of an overall height of the fastener element ($J/A > 0.55$), and a ratio of an overall height of the crook to an entrance height that is greater than 0.6 ($C/E > 0.6$), as claim 1 now requires, nor does he suggest touch fastener elements having two heads, at least one of which having an overall height that is greater than half of an overall height of the fastener element ($J/A > 0.5$), and a ratio of an overall height of each crook to an entrance height that is greater than 0.6 ($C/E > 0.6$), as claim 24 now requires. In addition, Ausen does not suggest touch fastener elements having a ratio of an overall height of the crook to an entrance height that is greater than 0.6 ($C/E > 0.6$), as claim 46 requires. Ausen simply does not recognize that such ratios or combinations of ratios are important for enabling strong, short fasteners that are, e.g., capable of capturing and strongly retaining loops of loop materials having open structures. As there is nothing in Ausen that would motivate or lead one of ordinary skill in the art to the claimed invention, Applicant respectfully submits that claims 4, 6, 16-23, 26, 28, 32-34, 49, 51 and 53-55 are each non-obvious over Ausen, and respectfully requests withdrawal of the rejection.

Claims 35-45 have been rejected as being obvious over Ausen in view of Martin, U.S. Patent Application Publication No. 2002/0116799 ("Martin"). Of the rejected claims, claim 35 is the only claim in independent form, the remaining claims each depending from claim 35. Applicant respectfully requests reconsideration of the rejection for the following reasons.

Claim 35 requires that each touch fastener element have a head having a bulk aspect, defined as a ratio of the product of an overall length of the fastener element and fastener element thickness to an overall height of the fastener element, that is more than 0.020 inch ($LK/A > 0.020$ inch).

The Examiner concedes that Ausen fails to disclose a bulk aspect that is more than 0.020 inch, but apparently believes that Martin supplies what is lacking in Ausen. Applicant respectfully submits that the Examiner has improperly construed the "bulk aspect" feature of the present disclosure and the "aspect ratio" of Martin, which are completely different and unrelated parameters. In paragraph [63], Martin describes his "aspect ratio" and how it is calculated:

“Aspect ratio” refers to the relative hook head density of a hook component. This ratio is related to the area of the engaging head of a hook that corresponds with the maximum instantaneous displaced area of a mating loop component as the hook head penetrates the loop component. In the context of the invention, it affects the feel of the hook component as the hook heads come into contact with a person's skin. The aspect ratio is measured as the aggregate hook head area divided by the overall area of the hook component. The hook head area is measured at an elevation above the hook backing that includes the maximum overhang of the hook head.

In other words, to calculate Martin's aspect ratio, one sums up all the hook head areas and divides by the surface area of the base from which the hooks extend. Note that Martin describes his “aspect ratio” in terms of percentage coverage (see, e.g., claims 1, 2, and 3 of Martin). This is in contrast to Applicant's “bulk aspect”, which is a product an overall length of the fastener element (L) and fastener element thickness (K), divided by an overall height of the fastener element (A). Thus, Applicant's “bulk aspect” is a characteristic of a single fastener element, while Martin's “aspect ratio” is a characteristic of an entire field of fastener elements, and there is simply nothing of Martin's disclosure to lead from one to the other. Applicant therefore submits that the Examiner has not presented a prima facie case of obviousness with respect to claim 35, and respectfully requests that the rejection be withdrawn.

Applicant believes that all presently presented claims are allowable and respectfully requests a Notice of Allowance.


Enclosed is a check for \$120.00 for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 05918-339001.

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Respectfully submitted,

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